

12-14-05
PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571) 273-2885

DEC 13 2005

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless specified below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 09/13/2005

ADRIAN J. LEE
 WORKMAN, NYDEGGER & SEELEY
 1000 EAGLE GATE TOWER
 60 EAST SOUTH TEMPLE
 SALT LAKE CITY, UT 84111

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,265	08/15/2000	Yoshihiro Ishikawa	3815/96	1100

TITLE OF INVENTION: COMMUNICATION PERFORMANCE CALCULATION METHOD AND COMMUNICATION PERFORMANCE CALCULATION APPARATUS IN MOBILE COMMUNICATION SYSTEM, AND BLOCKING PROBABILITY CALCULATION METHOD AND BLOCKING PROBABILITY CALCULATION APPARATUS IN COMMUNICATION SYSTEM, AND RECORDING MEDIUM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	12/13/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			

IQBAL, KHAWAR 2686 455-423000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 <u>Workman Nydegger</u>

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

12/15/2005 MAHMED2 00000054 09638265

(A) NAME OF ASSIGNEE	(B) RESIDENCE: (CITY and STATE OR COUNTRY)	1400.00 OP
NTT DoCoMo, Inc.	01 FC:1501 02 FC:8001 11-1, Nagatacho 2-Chome, Chiyoda, Tokyo 100-6150, Japan	45.00 OP

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

- Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies 15

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 23-3178 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Adrian J. LeeDate Dec. 13, 2005Typed or printed name ADRIAN J. LEERegistration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Express Mail Label No. EV 773481687 US

PATENT APPLICATION
Docket No. 15689.55

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yoshihiro ISHIKAWA et al.

Serial No.: 09/638,265

} Art Unit
2686

Filing Date: August 15, 2000

For: COMMUNICATION PERFORMANCE
CALCULATION METHOD AND
COMMUNICATION PERFORMANCE
CALCULATION APPARATUS IN MOBILE
COMMUNICATION SYSTEM, AND
BLOCKING PROBABILITY CALCULATION
METHOD AND BLOCKING PROBABILITY
CALCULATION APPARATUS IN
COMMUNICATION SYSTEM, AND
RECORDING MEDIUM

Examiner: Khawar Iqbal

Customer No.: 022913

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of December 2005.

- Transmittal of Issue Fee and Supplemental Declaration (4 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee
- PTO 2038 Credit Card form for \$1,445.00
- Postcard

Respectfully submitted,

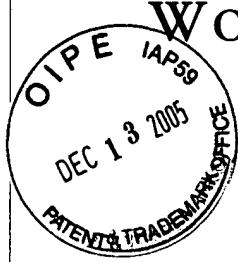
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PATENT APPLICATION
Docket No. 15689.55

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yoshihiro ISHIKAWA et al.

Serial No.: 09/638,265
Filing Date: August 15, 2000
For: COMMUNICATION PERFORMANCE
CALCULATION METHOD AND
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BLOCKING PROBABILITY CALCULATION
METHOD AND BLOCKING PROBABILITY
CALCULATION APPARATUS IN
COMMUNICATION SYSTEM, AND
RECORDING MEDIUM

Examiner: Khawar Iqbal

Customer No.: 022913

} Art Unit
2686

TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated September 13, 2005, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.

- A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.
- A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.
- Pursuant to the request for submission of formal drawings, enclosed are the following:
 - A Letter to the Official Draftsperson;
 - A set of _____ () sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.
 - A duplicate set of the _____ () sheets of formal drawings with the changes therein highlighted in red.
- PTO 2038 Credit Card form for \$1,445.00osed to cover:
 - The \$1,445.00 government issue fee pursuant to 37 C.F.R. § 1.18.
 - The \$0 government publication fee pursuant to 37 C.F.R. § 1.18.(d)
 - The \$45.00 fee for fifteen (15) copies of the patent when issued.
- The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "Regarding claims 1 ,9 and 1 0 the most relevant prior art of record Gunmar at al teaches a communication performance calculation method in a mobile communication system which includes a plurality of base stations and a plurality of mobile stations for carrying out communication with the base stations, wherein an area where the mobile stations are distributed is

divided into a plurality of subdivisions, said communication performance calculation method comprising: a transmission power data storing step of storing, for each of the plurality subdivisions transmission power data of a base station corresponding to the subdivision, of the mobile station visiting the subdivision, or of both a base station corresponding to the subdivision and mobile station visiting the subdivisions; a traffic intensity data storing step of storing for each of the plurality subdivisions traffic intensity data of the subdivision; a traffic calculating step of calculating a mean and variance of applied traffic at the base stations and a communication performance calculating step of calculating communication performance from the mean and variance. Claim 1,9 and 10 are allowable over the prior art of record since the cited references taken individually or in combination (in view of Applicant Remarks/in the amendment) fails to teach (with combination above) a traffic calculating step of calculating a mean and variance of applied traffic at a single base station from transmission power data and the traffic intensity data of the plurality of subdivisions.”

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner’s statement should, in Applicants’ view, not be read as constituting or meaning that the invention can or should be reduced to a single “feature” of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

December 13, 2005
Page 4

Dated this 13th day of December 2005.

Respectfully submitted,



ADRIAN J. LEE
Attorney for Applicant
Registration No. 42,785
Customer No. 022913

AJL:ds
DS000004471V001